

MUNGER CHADWICK, P.L.C.

National Bank Plaza
333 North Wilmot, Suite 300
Tucson, Arizona 85711
Telephone: (520) 721-1900
Facsimile: (520) 747-1550

Mark E. Chadwick
mechadwick@mungerchadwick.com
ASB # 014991
Attorney for: Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

KOLEEN GALLAGHER,

Plaintiff/
Judgment Creditor,

vs.

RICHARD JAMES. GALLAGHER,

Defendant/
Judgment Debtor

and

Beverly Gallagher, Personal Representative
The Estate of Josephine Marie Gallagher
c/o Kevin Kinghorn
Kinghorn Heritage Law Group, PLC
3573 East Sunrise Drive, Suite 209
Tucson, AZ 85718

Executee/Garnishee.

NO. 4:17-MC-00005

**WRIT OF EXECUTION AND
SUMMONS
(Non-Earnings)**

**(Rue 69, Fed. R. Civ. Pro.;
A.R.S. §§12-1572 – 1597)**

THE UNITED STATES U.S. MARSHALL FOR THE DISTRICT OF ARIZONA OR
ANY OTHER OFFICER OF PIMA COUNTY, WHO IS AUTHORIZED BY LAW TO
SERVE PROCESS:

You are directed to levy upon the property of the above named Judgment Debtor told
by the Executee/Garnishee to satisfy the money judgment in accordance with the attached
instructions.

JUDGMENT CREDITOR'S CLAIM OF **\$192,272.48** together with interest, costs and other relief in this action is against the following Judgment Debtor(s):

RICHARD JAMES GALLAGHER

THEREFORE, PURSUANT TO A.R.S. Sec. 12-1574, YOU ARE COMMANDED to summon and appear before this Court the Executree/Garnishee whose name and address appears above and who is believed to be within your county.

The Judgment Creditor states as follows:

1. The Judgment Creditor has a Judgment and an award of cost and attorney's fees against the above-described Judgment Debtor(s) with current amount of \$192,272.48 due, as of the date of issuance of this Writ of Garnishment.

2. The rate of interest on the award of costs and attorney's fees is .58% on the principal sum of \$192,272.48 from 1/29/2016 until paid.

3. The name and address of the Executree/Garnishee and/or the authorized agent is:

**Beverly Gallagher, Personal Representative
The Estate of Josephine Marie Gallagher
c/o Kevin Kinghorn
Kinghorn Heritage Law Group, PLC
3573 East Sunrise Drive, Suite 209
Tucson, AZ 85718**

4. The Attorney for the Judgment Creditor's name and address is:

**Mark E. Chadwick
Munger Chadwick, PLC
333 N. Wilmot, Suite 300
Tucson AZ 85701**

5. The last known mailing address of the Judgment Debtor(s) is:

**Richard James Gallagher
c/o George E. Tuttle, Jr.
1225 Marth Custis Dr., Parc East 103
Alexandria, Virginia 22302
Attorney for Judgment Debtors;**

**Richard James Gallagher
P.O. Box 273
Hampstead, NC 28443**

1 TO THE ABOVE-NAMED EXECUTEE:

2 EXECUTEE SHALL Answer in writing, under oath, within 10 days after the service
3 of the Writ of Execution upon you, all of the following questions:

4 1. Whether the Executtee was indebted to or otherwise in possession of monies
5 of the Judgment Debtor(s) at the time the Writ was served.

6 2. The total amount of indebtedness or monies in possession of the Executtee at
7 the time the Writ was served.

8 3. The amount of indebtedness or monies withheld by the Executtee pursuant to
9 the Writ.

10 4. The amount of indebtedness or monies not withheld by the Executtee, and the
11 reason for not withholding.

12 5. Whether the Executtee was in possession of personal property of the Judgment
13 Debtor(s) at the time the Writ was served.

14 6. A description of each item, or group of items, of personal property of the
15 Judgment Debtor(s) in the Executtee's possession at the time the Writ was served.

16 7. A list of the personal property withheld by the Executtee pursuant to the Writ.

17 8. What other person or entity, within his knowledge, is indebted to the
18 Judgment Debtor(s) or in possession of personal property of the Judgment Debtor(s).

19 9. Whether the Executtee is a corporation in which the Judgment Debtor(s) owns
20 shares of stock or some other interest.

21 10. A statement of the number and types of shares owned by the Judgment
22 Debtor(s) and a description of any other interests the Judgment Debtor(s) own in the
23 Garnishment.

24 11. The name, address and telephone number of the Garnishee.

25 12. The date and manner of delivery of a copy of the Writ and the Notice to the
26 Judgment Debtor(s).

13. The date and manner of delivery of a copy of the Answer to the Judgment
Creditor and Judgment Debtor.

FROM AND AFTER SERVICE OF THE Writ of Execution, the Executtee shall not
pay to the Judgment Debtor(s) any debt which is not exempt, nor turn over any non-exempt
personal property, stock or any other interest the Judgment Debtor(s) owns in the Executtee
corporation to the Judgment Debtor(s).

SUMMONS

In obedience to the attached and foregoing Writ of Execution, I DO HEREBY SUMMON AND REQUIRE YOU TO APPEAR and answer the foregoing Writ and in the manner prescribed by law within the times prescribed in said Writ. You are hereby notified that in case you fail to so answer, the Court may issue an order requiring you to appear in person before it to answer the Writ or to file and serve, at least five (5) days before the appearance date, a copy of the answer on the party for whom the Writ has been issued, or on his attorney if the party is represented by counsel. If you fail to appear or to file and serve the answer as specified in the order, judgment by default may be rendered against you for the full amount of the relief demanded in the Complaint of the Plaintiff and not merely for the amount you may owe to the Defendant, and that such judgment may be so rendered in addition to any other matters which may be adjudged against you as prescribed by law. Federal Rules of Civil Procedure 4(c).

REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES MUST BE MADE TO THE COURT BY PARTIES AT LEAST 3 WORKING DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING

DATED _____.

Clerk of the United States District Court